

# Notice of Allowability

Application No.

10/525,286

Examiner

Edward F. Landrum

Applicant(s)

ZUIDERVAART ET AL.

Art Unit

3724

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview with Adam Stroud on 2/20/2007.
2. ☒ The allowed claim(s) is/are 16-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Adam Stroud on 2/21/2007.

The application has been amended as follows:

Examiner is canceling claims 1-15, and rejoining claim 17 to the instant application.

### ***Allowable Subject Matter***

2. Claims 16-20 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Claim 16 is allowable for defining a device for shaving hair comprising a cutting member having a cutting edge and a cutting direction and an actuator for effecting periodical motion of the cutting member relative a base of the shaving device. The periodical motion of the cutting member is affected substantially in an imaginary plane extending transversely to the cutting edge and has a first motion being directed in the cutting direction and a second motion being directed opposite to the cutting direction and closer to the skin of a user than the first motion. The periodic motion is substantially elliptical having a major and a minor axis, the major axis being directed parallel to the

cutting direction. The cutting member is mounted to a carrier which is driven by the actuator via a transmission comprising a first and a second eccentric member which are driven by the actuator at equal rotational speeds about separate axes of rotation extending parallel to the cutting edge. The first eccentric member has a fixed position relative to the carrier in a direction parallel to the major axis and a free position relative to the carrier in a direction parallel to the minor axis. The second eccentric member has a free position relative to the carrier in a direction parallel the major axis and a fixed position relative to the carrier in a direction parallel to the minor axis.

Balamuth et al (U.S Patent No. 3,756,105), hereinafter Balamuth, teaches (see Figures 1 and 2) a device for shaving hair comprising a base portion (12), a shaving head (24), and a cutting member (30), within the shaving head (24), having two distinct motions, the second motion being closer to a users skin and directed away from the cutting direction when the shaver is held a specific way. An actuator (62) generates the periodical motion of the cutting member (30) relative to the shaving head, and generates a second periodical motion of shaving head (24) which is in turn provides a second periodical motion to an outer cutting member (25).

Shaler (U.S Patent No. 1,788,547) teaches (see Figures 1-5) a shaving apparatus comprising a base portion (11) having a grip (10). An actuator (see Figures 1 and 2) is used to effect the periodical motion of a blade (44) with a cutting edge. Motion of the blade is in a direction transverse to the guiding edge (Pg. 2, lines 40-42).

Motta (U.S Patent No. 5,007,169) teaches a shaving apparatus with a cutting unit having an elliptical periodical motion composed of a first and second motion (Col. 4,

Art Unit: 3724

lines 58-67), capable of being changed depending on the dimensions of slot (265).

Depending on how the shaver is held the second motion is closer to the skin being shaved and directed opposite the cutting direction. Periodical motion of the cutting unit is controlled by an actuator located inside the handle of the shaver (see Figure 1) that conveys a periodical motion, having major and minor axis, to both the shaving head and the cutting member. Motion of the cutting unit (Col. 4, lines 39-42) can be changed by changing the size of a slot (265).

No reference has been found that teaches a carrier member, attached to the cutting member, with two eccentric members attached and the eccentric members having different free and fixed positions relative to the carrier and those free or fixed positions being either parallel to the major or minor axis of the elliptical motion of the cutting member.

Claims 17-20 are dependent upon claim 16 and are therefore allowable.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-45024502. The fax phone

Art Unit: 3724

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL  
2/21/2007



  
BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER